

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JAN - 9 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of
Revision of the Commission's
Rules to Ensure Compatibility
with Enhanced - 911 Emergency
Calling Systems

CC Docket 94-102
[RM-8143]

DOCKET FILE COPY ORIGINAL

INITIAL COMMENTS OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

PAUL RODGERS
General Counsel

CHARLES D. GRAY
Assistant General Counsel

JAMES BRADFORD RAMSAY
Deputy Assistant General Counsel

National Association of
Regulatory Utility Commissioners

1102 ICC Building
Post Office Box 684
Washington, D.C. 20044

(202) 898-2200

January 9, 1995

No. of Copies rec'd
List ABCDE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JAN - 9 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of
Revision of the Commission's
Rules to Ensure Compatibility
with Enhanced - 911 Emergency
Calling Systems

CC Docket 94-102
[RM-8143]

INITIAL COMMENTS OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

Pursuant to Sections 1.49, 1.415, and 1.419 of the Federal Communications Commission's ("FCC" or "Commission") Rules of Practice and Procedure, 47 C.F.R. Sections 1.49, 1.415, & 1.419 (1994), the National Association of Regulatory Utility Commissioners ("NARUC") respectfully submits these comments on the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rulemaking ("NPRM") adopted September 19, 1994, and released September 19, 1994, [FCC 94-237, 9 FCC Rcd 6170] in the above-captioned proceeding.

In support of these comments, NARUC states as follows:

I. NARUC'S INTEREST

NARUC is a quasi-governmental nonprofit organization founded in 1889. Members include the governmental bodies engaged in the regulation of carriers and utilities from all fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands.

NARUC's mission is to improve the quality and effectiveness of public utility regulation in America. Specifically, NARUC is composed of, inter alia, State and territorial officials charged with the duty of regulating the telecommunications common carriers within their respective borders. These officials have the obligation to assure that such telecommunications services and facilities as are required by the public convenience and necessity are established, and that service is furnished at rates that are just and reasonable.

In this proceeding, the Commission proposes to amend its regulations to address issues raised by the provision of 911 and enhanced 911 services through certain telecommunications technologies. Emergency calling procedures have historically been the focus of numerous State commission initiatives. Indeed, some of the issues raised by this proceeding have already been addressed at the State level. Accordingly, because of the obvious potential impact on existing and pending State commission rules, NARUC has an interest in this proceeding.

II. BACKGROUND

On October 28, 1992, Adcomm Engineering Company filed a Petition for Rulemaking with the Commission. The petition asked for modification of the Commission's rules to establish a common technical approach to caller location identification between Customer Premises Equipment and the network for calls placed to emergency number 9-1-1 in areas with "enhanced" 9-1-1 systems. On December 29, 1993, in Report No. 1922, the FCC set a cycle for comments on that petition. Unfortunately, the cycle ended before NARUC could meet and address the issues raised by the petition.

Subsequently, at its March, 1993 meetings, NARUC passed its "RESOLUTION ON PRIVATE SWITCH AUTOMATIC LOCATION IDENTIFICATION". In response to that resolution, NARUC filed a June 15, 1993 ex parte letter in the underlying Adcomm proceeding. Later, in September of 1994, the FCC issued the instant NPRM. The NPRM proposes to amend its regulations to address issues raised by the provision of 911 and enhanced 911 services through certain telecommunications technologies. According to the FCC, "[t]he primary objective of this proceeding is to ensure broad availability of 911 and enhanced 911 services to users of the public switched telephone network (PSTN) whose health and safety may depend on 911 emergency services systems. Toward this end, we intend to ensure that the effective operation of 911 services is not compromised by new developments in telecommunications." NPRM, mimeo at 1, paragraph 1,

In the notice, the FCC first addresses the 1993 Adcomm request to amend Part 68 of the rules by proposing technical performance requirements that ensure the compatibility of private branch exchanges (PBXs) with enhanced 911 emergency services. The NPRM seeks comment on proposals for ensuring the compatibility of private branch exchanges (PBXs) and other dispersed private telephone systems with enhanced 911 emergency services.

Secondly, the NPRM proposes rules that would require wireless services, that provide real time voice services, to include features that will make enhanced 911 services available to mobile radio callers.

III. DISCUSSION

Any FCC rules should permit States to adopt additional technical standards and/or more stringent rules for PS ALI.

In paragraph 59 of the NPRM, the FCC notes:

We believe that our proposed rules imposing uniform requirements for compatibility of enhanced 911 systems with wireline equipment and wireless services are consistent with our responsibilities under Section 1 of the Communications Act to promote safety of life and property. The Commission has the authority to preempt state regulation that affects interstate service when it is not possible to separate the interstate and intrastate components of the service...{Footnote omitted}...We seek comment on any potential conflicts between our proposed rules and existing state regulation affecting PBX equipment or wireless services. {Footnote omitted} Commenters opposing preemption should suggest specific alternatives for ensuring that inconsistent federal, state, and local requirements do not thwart the nationwide goal of achieving compatibility with enhanced 911 systems.

As noted in our March 1993 resolution, NARUC agrees that

- o **THERE IS A NEED FOR TECHNICAL STANDARDS FOR PS AUTOMATIC LOCATION IDENTIFICATION ("ALI").**

However, NARUC also respectfully suggests that --

- o **ANY FCC RULES SHOULD PERMIT STATES TO ADOPT ADDITIONAL TECHNICAL STANDARDS AND/OR MORE STRINGENT RULES FOR PS ALI.**

The attached March resolution discusses the recent history of enhanced 9-1-1 service and the problems prompting the Adcomm petition and the FCC's subsequent instigation of this proceeding. Specifically, the resolution notes that there have been a number of recent instances where emergency vehicles have been dispatched to the main location of a private switch rather than to the location of the person needing emergency assistance, causing unnecessary delays and sometimes loss of life.

This instances occur when a calling party dials "9-1-1" from a station behind a private switch, such as a Private Branch Exchange (PBX) or a Shared Tenant Service (STS) arrangement. Under those circumstances, the Automatic Number Identification (ANI) or a combination of ANI and Automatic Location Identification (ALI) information that is sent to the Public Safety Answering Point (PSAP) is that of the main telephone number and address of the private switch, which is not necessarily the telephone number and location from which the call originated.

This is a particular problem with (a) PBXs utilized by school districts that serve an entire district with off-premises extensions, (b) STS arrangements serving apartment complexes where the PBX is in the manager's office, (c) multi-building office parks where the PBX is in a central location, and (d) in a campus environment where the PBX is in the Administration Building.

State Public Utility Commissions have been alerted to these problems and many are working with industry, in conjunction with public safety agencies and private switch owners, to develop a solution to this situation that would assure that a private switch would forward the exact telephone number and location from which a telephone call to "9-1-1" for emergency assistance was made.

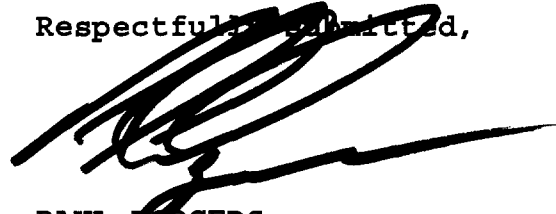
Specifically, the Oregon Public Utility Commission, the Utah Public Service Commission, the Colorado Public Utilities Commission and the Washington Utilities and Transportation Commission, all Commissions active in NARUC, have already approved tariffs to allow private switch owners to be directly or indirectly connected to PSAPs in order to forward the specific ANI and ALI information from which a telephone call to "9-1-1" was placed.

Accordingly, as these tariffs are already in place, and other alternatives are being examined in other State jurisdictions, NARUC supports FCC Rules to permit states to adopt additional technical standards and/or more stringent rules for PS ALI.

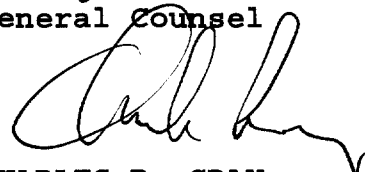
CONCLUSION

NARUC respectfully requests that the Commission assure that any FCC rules adopted permit States to adopt additional technical standards and/or more stringent rules for PS ALI.

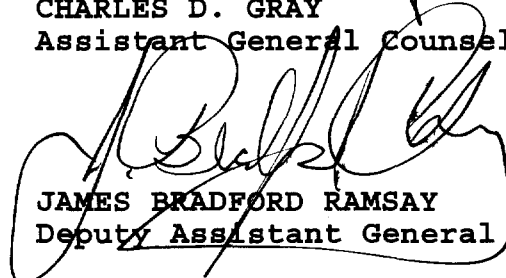
Respectfully submitted,



PAUL RODGERS
General Counsel



CHARLES D. GRAY
Assistant General Counsel



JAMES BRADFORD RAMSAY
Deputy Assistant General Counsel

National Association of
Regulatory Utility Commissioners

1102 ICC Building
Post Office Box 684
Washington, D.C. 20044

(202) 898-2200

January 9, 1995

APPENDIX A

NARUC'S MARCH 4, 1993

RESOLUTION ON
PRIVATE SWITCH AUTOMATIC LOCATION IDENTIFICATION

Resolution on Private Switch Automatic Location Identification

WHEREAS, there have been numerous examples in recent years where emergency vehicles were dispatched to the main location of a private switch rather than to the location of the person needing the emergency assistance, causing unnecessary delays and sometimes loss of life; and

WHEREAS, when a calling party dials "9-1-1" from a station behind a private switch, such as a Private Branch Exchange (PBX) or a Shared Tenant Service (STS) arrangement, the Automatic Number Identification (ANI) or a combination of ANI and Automatic Location Identification (ALI) information that is sent to the Public Safety Answering Point (PSAP) is that of the main telephone number and address of the private switch, which is not necessarily the telephone number and location from which the call originated; and

WHEREAS, this is a particular problem in the following situations: with PBXs utilized by school districts that serve an entire district with off-premises extensions; with STS arrangements serving apartment complexes where the PBX is in the manager's office; in multi-building office parks where the PBX is in a central location; and in a campus environment where the PBX is in the Administration Building; and

WHEREAS, the telecommunications industry is currently working with public safety agencies and private switch owners to develop a solution to this situation; whereby, a private switch would forward the exact telephone number and location from which a telephone call to "9-1-1" for emergency assistance was made; and

WHEREAS, the Oregon Public Utility Commission, the Utah Public Service Commission, the Colorado Public Utilities Commission and the Washington Utilities and Transportation Commission have already approved tariffs to allow private switch owners to be directly or indirectly connected to PSAPs in order to forward the specific ANI and ALI information from which a telephone call to "9-1-1" was placed; and

WHEREAS, on December 29, 1992, the FCC established a thirty day comment period regarding the request for rulemaking by Adcomm Engineering Company (RM-8143) to amend Part 68 Rules to include technical standards for PS ALI; therefore, be it

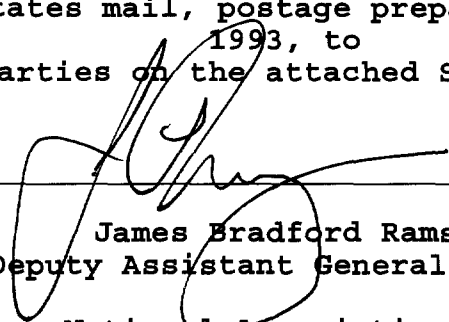
RESOLVED, by the National Association of Regulatory Utility Commissioners (NARUC), assembled at its Winter Meetings in Washington, D.C., that NARUC believes that there is a need for technical standards for PS ALI; and be it further

RESOLVED, that the NARUC supports FCC Rules to permit states to adopt additional technical standards and/or more stringent rules for PS ALI; and be it further

RESOLVED, that the NARUC General Counsel will enter comments concerning NARUC's position regarding the need to amend Part 68 for technical standards for PS ALI in RM-8143 with the FCC and will distribute this resolution for consideration.

CERTIFICATE OF SERVICE

I, JAMES BRADFORD RAMSAY, certify that a copy of the foregoing was sent by first class United States mail, postage prepaid, this 10th Day of March, 1993, to all parties on the attached Service List.



James Bradford Ramsay
Deputy Assistant General Counsel
National Association of
Regulatory Utility Commissioners